

AMENDMENT NO. 5 TO LEASE NO. 11210
PARCEL NO. 21 - MARINA DEL REY

11210

SUPPLEMENT 5

THIS AMENDMENT TO LEASE made this 14th day of

October, 19 77,

BY AND BETWEEN

COUNTY OF LOS ANGELES, herein-
after referred to as "County,"

AND

HOLIDAY MARINAS, INC., a
California corporation,
hereinafter referred to as "Lessee,"

WITNESSETH:

WHEREAS, the parties hereto or their predecessors in interest have, on the twenty-seventh day of August, 1966, entered into a lease under which Lessee leased from County that certain real property in the Marina del Rey Small Craft Harbor known as Parcel No. 21; and

WHEREAS, the lease, as amended, provides that County shall receive 20% of gross receipts from the rental or other fees charged for the use of boat slips; and

WHEREAS, said lease further provides that County shall receive 7½% of gross receipts for the occupancy of apartments; and

WHEREAS, the Marina del Rey has a number of persons living on their boats who are required to pay an additional liveaboard charge upon which the lessee is required to pay 20% of said liveaboard charge to County as other fees charged for the use of boat slips; and

WHEREAS, the charge for liveaboards is similar to rent being paid for apartments upon which the lessees pay 7½%; and

WHEREAS, it is more equitable that the percentage rent payable for liveaboard charges be similar to that for apartment charges;

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is hereby agreed as follows:

1. Subsection (c) of Section 13 (PERCENTAGE RENTALS) of said lease is hereby deleted and the following substituted therefor:

"(c) SEVEN AND ONE-HALF Per Cent (7½%) of gross receipts or other fees charged for the occupancy of structures and other facilities including but not limited to (1) apartments, (2) hotel and/or motel accommodations, (3) house trailers, (4) meeting rooms, (5) rental of land and/or water or facilities for activities not otherwise provided for in this Section such as but not limited to television and/or motion pictures, (6) parking fees or charges except where such parking fees or charges are collected in conjunction with an activity, the gross receipts from which are required to be reported in a percentage category greater than SEVEN AND ONE-HALF Per Cent (7½%), (7) offices utilized for banking, financial or investment activities, internal clerical or administrative activities or business enterprises, real estate and insurance brokerage, legal, medical, engineering, travel agencies, or similar professional services but not to include, however, stores, shops or other commercial establishments, the gross receipts pertaining to which are subject to percentage rentals and specifically required to be reported under other subsections of this Section; and (8) liveaboard charges over and above slip rental fees imposed by anchorages for the privilege of a boat owner living on his boat;"

2. The effective date of this amendment shall be the first day of the month following execution by the Chairman of the Board of Supervisors. = 11/1/77

3. Any and all other terms and conditions contained in said lease shall remain in full force and effect and are hereby reaffirmed.

IN WITNESS WHEREOF, County has, by order of its Board of Supervisors, caused this amendment to lease to be subscribed by the Chairman of said Board and attested by the Executive Officer-Clerk thereof, and the Lessee has executed the same the day, month and year first hereinabove written.



HOLIDAY MARINAS, INC.,
a California corporation

By

By

Robert W. Dieckmann Pres.

John O. Stutz Sec. Treas.

ATTEST:

JAMES S. MIZE, Executive
Officer-Clerk of the
Board of Supervisors

By

Francis Sanders
Deputy



THE COUNTY OF LOS ANGELES

APPROVED AS TO FORM:

JOHN H. LARSON
County Counsel

By

Bennett
Deputy

By

[Signature]
Chairman, Board of Supervisors

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

122

AUG 9 1977

James S. Mize
JAMES S. MIZE
EXECUTIVE OFFICER

STATE OF CALIFORNIA
County of Los Angeles } ss

On this 14th day of October, A.D., 1977, before me JAMES S. MIZE, Executive Officer — Clerk of the Board of Supervisors of the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared

EDMUND D. EDELMAN, known to me to be the Chairman of the Board of Supervisors of the County of Los Angeles and the person who executed the within instrument on behalf of the County therein named, and acknowledged to me that such County executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.



JAMES S. MIZE, Executive Officer — Clerk of the Board of Supervisors

By Frances Sanders

Deputy